

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES, :
: CRIMINAL ACTION
: NO. 10-225
v. :
: JOSE TORRES, :
Petitioner :
:

ORDER

AND NOW, this 29th day of June, 2015, upon consideration of Petitioner's *pro se* Motion to Vacate his Sentence pursuant to 28 U.S.C. § 2255, (Dkt No. 38), the Government's Response, (Dkt No. 41), and Petitioner's Reply, (Dkt No. 42), it is hereby ORDERED that:

1. Petitioner knowingly and voluntarily entered his Plea Agreement, (Dkt No. 19);
2. The Plea Agreement waived his right to present any collateral challenge to his conviction and sentence, absent exceptions that were not present in this case;
3. Petitioner did not allege any miscarriage of justice sufficient to overcome that waiver;
4. Petitioner's Motion to Vacate, (Dkt No. 38), is DISMISSED WITH PREJUDICE;
5. A certificate of appealability shall not issue;
6. The Clerk of Court is DIRECTED to close this case for statistical and all purposes.

BY THE COURT:

/s/ C. Darnell Jones, II

C. Darnell Jones, II J.